

OCT 21 2013

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

V.

Luis FLORES-Zuniga

Case No. C-13-1305M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 10/20/2013 in Brooks County, in the
(Date)

Southern District of Texas defendant's **Luis FLORES-Zuniga**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Special Agent and that this complaint is based on the
following facts: Official Title

See Attached Affidavit of ICE Special Agent

Daniel Bodiford

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

Daniel Bodiford

Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found

October 21, 2013

Date

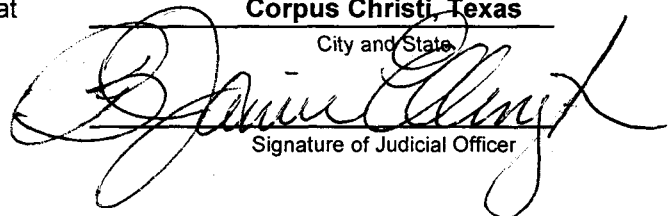
B. Janice Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State



Signature of Judicial Officer

AFFIDAVIT

I, Daniel Bodiford after being duly sworn, state as follows:

On October 20, 2013, at approximately 12:18 pm, a black Chevrolet Camaro displaying temporary Texas license plate 83M2130 entered primary lane of inspection at the Falfurrias, Texas checkpoint. Border Patrol Agent Mark Salvino questioned the driver; later identified as as Luis FLORES-Zuniga, as to his citizenship. FLORES replied by stating that he was a U.S. Citizen. BP Agent Salvino noticed there was no front license plate and asked FLORES if the vehicle was his and if he just bought it. He replied that it was and that he recently purchased it. As BP Agent Salvino was conducting his immigration inspection, Border Patrol Agent Allen Foster and his Service Canine were conducting a non-intrusive, free air sniff of the vehicle. During this time, Border Patrol Agent Foster advised me that his Service Canine alerted to the rear of the vehicle. I asked FLORES for permission to look in the trunk and FLORES gave his consent to do so. BP Agent Salvino discovered one male and one female in the trunk of the vehicle. The male and female were identified as undocumented aliens.

At that time, FLORES was placed under arrest and escorted inside the Falfurrias Checkpoint. The two undocumented aliens were also escorted inside the checkpoint.

Once inside the checkpoint, Agent Salvino read FLORES his rights as per Service Form I-214 in English, the preferred language of his choice. FLORES stated he understood his rights but refused to sign the form accordingly. Border Patrol Agent Jose Silguero witnessed the reading and signing of the rights.

Principal Statements:

FLORES refused to speak without the presence of an attorney. At that time all questioning was terminated.

Material Witness Statements:

Border Patrol Agent Jesus Contrerras read Lizandro ORELLANA-Melendez his Miranda Rights as per Service Form I-214 in his preferred language of Spanish ORELLANA stated he understood his rights, was willing to give a statement, and signed the form accordingly. BP Agents took his sworn statement as per Service Form I-215.

ORELLANA stated that he was driven to an unknown parking lot full of vehicles by an unknown man and instructed to get into the black Chevrolet Camaro that he was encountered in by Border Patrol Agents. ORELLANA also stated that FLORES was the individual driving the car when he got in. ORELLANA then stated that FLORES drove an unknown hotel and picked up a woman. ORELLANA explained that FLORES instructed the woman to sit next to him in the back seat. ORELLANA said FLORES did not tell them where they were going but he would advise them when to get into the trunk. ORELLANA explained that once they got close to the checkpoint FLORES instructed him and the woman to get into the ~~truck~~^{car}. ORELLANA stated that they crawled into the trunk through the backseat and that FLORES instructed them to be quiet and told them they were almost at the inspection area. ORELLANA said that FLORES then lifted and locked the back seat. ORELLANA identified FLORES through a photo line-up as the individual driving the black Chevrolet Camaro and the man that instructed him to get into the trunk.

Border Patrol Agent Jesus Contrerras used an interpreter to read Marizete COSTA-Matos her Miranda Rights as per Service Form I-214 in her preferred language of Portuguese. COSTA stated she understood her rights, was willing to give a statement, and signed the form accordingly. BP Agents took her sworn statement as per Service Form I-215. COSTA stated that she was picked up from a hotel by FLORES and instructed to get in the back seat of the black Chevrolet Camaro that he was driving. COSTA also stated FLORES instructed her to get into the trunk of the car while he was driving. COSTA said that FLORES told her he was going to lock the seat from the outside and that he would open it again. COSTA identified FLORES through a photo

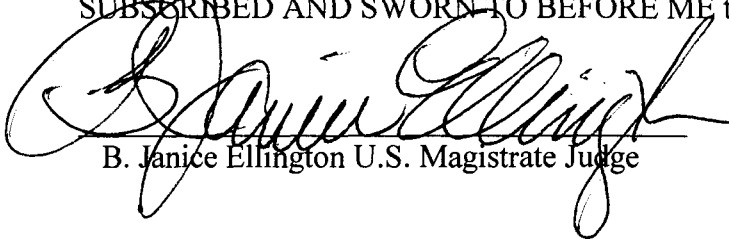
line-up as the individual driving the black Chevrolet Camaro and the man that instructed him to get into the trunk.

On October 20, 2013, Assistant United States Attorney Patti Booth accepted prosecution of Luis FLORES-Zuniga for violation of Title 8 USC 1324, Alien Smuggling.

Lizandro ORELLANA-Melendez and Marizete COSTA-Matos will be held as material witnesses pending criminal proceedings.


Special Agent Daniel Bodiford
Homeland Security Investigations

SUBSCRIBED AND SWORN TO BEFORE ME this 21th day of October, 2013.


B. Janice Ellington U.S. Magistrate Judge